

PLANNING APPLICATIONS COMMITTEE

7th June 2018

APPLICATION NO.

17/P2574

DATE VALID

17.07.2017

Address/Site

Former Sparrowhawk site, 159 Commonside East, Mitcham, CR4 2QB

Ward:

Figges Marsh

Proposal:

Demolition of existing buildings and the erection of a building to create x 28 self-contained residential units with associated parking and landscaping

Drawing Nos:

Site location plan and drawings 871-GE01-P3, 871-GE02-P2, 871-GA-00-P6, 871-GA-01, 871-GA-02-P4, 871-GA-03 & 871-GA-RF

Contact Officer:

Leigh Harrington (020 8545 3836)

RECOMMENDATION

Grant planning permission subject to a section 106 agreement for affordable housing and carbon offsetting and relevant conditions.

CHECKLIST INFORMATION.

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: Yes
- Number of neighbours consulted: 85
- Press notice – Yes
- Site notice – Yes
- External consultations: Metropolitan Police
- Archaeological Priority Zone – Yes
- Controlled Parking Zone - No
- Number of jobs created: N/A
- Density 147 Dwellings per hectare

1 INTRODUCTION

- 1.1 The application has been brought before the Committee due to the level of public interest.

2. SITE AND SURROUNDINGS

- 2.1 The site is an irregular shaped plot of land located at the junction of Commonside East and Hallowell Close in Mitcham. The site comprises a detached house and a disused scrap yard. The site is surrounded by predominantly residential properties with two storey interwar terraced houses and a garage area along Hallowell Close and a converted public house on Commonside East and a block of flats being the adjacent neighbours whilst the bridge on Commonside East screens much of the site from Mitcham Common which is opposite the site. The site is not within a CPZ or Conservation Area but is adjacent to the Mitcham Cricket Green Conservation Area. It is located within a Tier 2 Archaeological Priority Zone and has a PTAL rating of 3. The site is within Flood Risk Zone 1 and therefore deemed to be at low risk of flooding.

3. **CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the demolition of all buildings on the site and the erection of a new part three storey part four storey apartment block. In its original form the proposal involved 37 units, this was reduced at application stage such that the apartment block was to be a larger building with a larger fourth floor to provide 29 flats. Following discussion with officers the fourth floor has been reduced and the proposals will now provide 28 units.
- 3.2 The vehicular access to the site leading to 18 parking spaces and 1 disabled space will be from Commonside East via a gated entrance which also serves the cycle store with a footpath leading from the car parking and cycle stores to the rear door to the block. The main pedestrian entrance to the block would also be via Commonside East which will be adjacent to the refuse store and lead to the lift core and plant room. There would also be three street facing entrances to the ground floor units with small private front gardens and five units on Hallowell Close will also have street facing entrances with private front gardens. The submitted plans show the existing pavement configuration would be altered to provide 6 parking spaces to replace the more informal on pavement parking along Hallowell Close in front of the site. The four 3B/5P duplex units on Hallowell Close frontage would be provided with private rear gardens and there would also be a small planting strip between the rear of the gardens and the car parking area.
- 3.3 The ground floor accommodates five flats and the four duplex units and a small area set aside for plant as well as the refuse area. The first floor has six flats and the upper floor of the four duplex units. The second floor has nine flats and there would be four on the third floor facing the common.
- 3.4 The first three floors of the block will be finished in light coloured exposed brickwork with ornamental balcony screens with the top floor being finished in aluminium cladding and large areas of glazing. The height of the building on the Commonside East elevation would be 12.85m reducing to 7.4m on the Hallowell Close elevation.

4. PLANNING HISTORY

- 4.1 06/P1778- Planning permission granted for erection of single storey rear extension.
- 4.2 90/P1098– Planning permission granted for the construction of a mono-pitch roof above existing flat roof of warehouse building.

5. CONSULTATION

- 5.1 The application was advertised by means of Press and site notices and letters to 85 neighbouring occupiers. As a result 27 objections, including a petition, were received from neighbouring residents who raised concerns relating to;
- Too many flats for such a small plot.
 - This is a money making venture with no thought for the local community.
 - This will become an anti social development like the Beehive development has become with more people than were intended.
 - The height is out of keeping with surrounding properties and should be the same height as surrounding properties.
 - Access on Hallowell Close will impact character of the area and lead to loss of privacy.
 - Height will cause issues of overlooking and loss of privacy and light.
 - Too close to the pavement.
 - Design and Access statement full of errors, misleading and erroneous elements.
 - D&A statement uses wide angle lens view to create impression of more space than there is in reality.
 - Insufficient parking on site.
 - Increased pressure on the street parking capacity.
 - Existing town centre parking, school parking by staff and at pick up and drop off times, local car repairers, white vans and commuters from Eastfields already add to parking pressure.
 - Parking survey 'stunningly inaccurate', developers 'are lying' parking is virtually full 24/7 and not only 70% full. Data is out of date.
 - Will restrict access to nearby corner garage site because of additional vehicle parking.
 - Residents would not want to park on Gaston road or Baker Lane due to the extra time this takes and security risk of poorly lit areas.
 - Difficult access to the site and to Hallowell Close from corner parking for emergency services and refuse vehicles.
 - Has a live workspace option been considered?
 - Drainage strategy inaccurate what will happen to waste and rain water.
 - Did not get the applicants pre application consultation notice.
 - No public engagement involving local residents.
 - What will impact be from Conservation Area?
 - No comment in the documents about views of the site from the CA.
 - Projecting balconies will be visually intrusive.
 - Does not address the corner.

- Should provide more dual aspect family accommodation with new communal space.
 - 5% affordable housing is not enough.
 - Dust and pollution from construction will impact children at the primary school.
- 5.2 Councillor Stanford. While the reduction in quantum of development was positive there is no capacity for overspill parking on nearby roads. Queried the use of aluminium cladding on the top floor.
- 5.3 Metropolitan Police safer by design officer. No objection to the proposals but did make a number of security suggestions for the proposals including the introduction of CCTV, access control, buffer zones, secure cycle storage, planting, lighting. The officer saw no reason why the development could not achieve Secured By Design Gold or Silver awards and sought a condition requiring a full and detailed application for the SBD award scheme.
- 5.5 Transport Planning No objection. In order to retain the existing footway parking the footway fronting Hallowell Close is to be widened to 1.5-2m to provide for an improved environment for the future and exiting residents of Commonside East and Hallowell Close. This provides an improvement in pedestrian safety over the existing situation. It is intended that this footway will be offered for adoption as highway maintainable at the public expense. The level of parking and cycle storage provision was also considered acceptable. No objections were raised subject to conditions.
- 5.6 Environmental Health No objections subject to the imposition of conditions relating to site contamination given the use of the site for scrap dealing, noise impact on future residents, construction management and hours of operation and external lighting.
- 5.7 Climate change officer. The proposals would meet current policy requirements for a 35% reduction in CO2 emissions although London Plan policy seeks for major developments to achieve 100% improvement. Where that cannot be achieved through savings on site, a cash contribution for carbon offset can be secured through a s106 agreement which in this instance equates to £35,460.
- 5.7 Arboricultural officer. Three off site trees are noted to be in close proximity, but outside the site and although of modest quality the officer raised no objections to the proposed development but requested conditions to protect the three on site trees during construction.
- 5.8 Flood Risk Manager.
- No objections were raised subject to conditions relating to a sustainable urban drainage scheme.
- 5.9 Design Officers were involved at a number of stages of the development of the design including the pre application stage when that design was submitted to the DRP. In September the design officer commented 'Whilst the current proposal is a significant improvement from the original, there still remain

important issues that are not resolved with this relatively simple, regular-shaped site. The site layout is considered appropriate and sensible, but there remain issues with the massing, materials and quality of the internal layout'. The officer was of the opinion that 3 storeys would be appropriate along Hallowell close and 4 storeys on Commonside East and the plans were amended to reflect this advice. Similarly concerns that these two elevations needed different treatments have been incorporated into the design.

In terms of layout a number of recommendations were made including increasing the number of dual aspect units, not having bedrooms on the ground floor at the front of the units, separate kitchens for the 3 bedroom duplex units, better bedroom layouts to show more storage. These elements were not brought into the latest drawings. Improved CGIs were requested and submitted

Design Review Panel.

- 5.10 A pre application design was referred to the Design Review Panel in September 2016 and the panel commented; "The Panel had a number of concerns regarding this proposal at a range of levels. The site was not as straightforward as it first seemed. It was not a natural corner site, as the corner was close to small scale houses which the taller element overpowered. The north-western end had clear views over the common which would benefit from a taller part of the development. This suggested that the elevations needed to be treated differently – one facing the common and one more intimate and facing the existing street." (Officers note that the Hallowell Close elevation now features a more domestic appearance with street level entrances whilst the Commonside East elevation has an elevation that reflects the flatted element of the design).

It was noted that the location was excellent for families, with local facilities nearby. This led the Panel to suggest that the development should have less flats and take a different approach, providing more family accommodation and this would help it better relate to the different site contexts on each frontage. The Panel were also critical of the high number of single aspect flats, with little justification for them. Fewer units of higher value may be more appropriate." (Officers note that while the mix does not slavishly reflect the borough wide recommended mix for new dwellings as set out in the Sites and Policies Plan the proposal will provide family sized units whilst the smaller sized units would add to the mix of housing types in the area).

With these thoughts in mind, the Panel suggested that if the access was moved further to the middle of the frontage, a mews development could be created. It was felt that the parking was causing design problems to the rear and that the layout was poor. The amount and type of amenity space was poor and fragmented and would benefit from being re-ordered to provide a single communal space. Less parking could be provided if a car club was provided. The public realm around the building needed further consideration given that bedrooms would face the street at ground floor, though individual front doors for the ground floor flats was welcomed". (Officers note that the flats' entrance on Commonside East has now been set centrally on that elevation whilst the car parking layout has been amended. Whilst the

submitted scheme did incorporate the communal amenity space it was considered by officers to be better served to provide a larger garden for the family unit and on balance members may consider this acceptable).

The Panel questioned the design of the courtyard and felt that the partial enclosure by the roof garden would undermine its quality. It could feel more like a large corridor rather than an amenity space. The use of Corten (steel cladding) was questioned as it was considered difficult to make work successfully, particularly with residential buildings. It was noted that most local buildings were white in colour so the choice of materials was not understood". (Officers note that the Corten Steel design was discarded in favour of a softer lighter coloured materials palette).

The Panel also could not see how the rhythm of surrounding buildings was reflected in the architecture as stated by the applicant. It was felt that the horizontal forms of the top floor and balconies was competing with the verticality of the bays, which looked more convincing on plan than in elevation. The drawings gave no indication of the finesse required in contemporary architecture and which the architect had shown in more traditional schemes in their portfolio. It was considered that the design would be highly susceptible to de-specification and value engineering an unlikely to achieve a high quality building on this important site overlooking the common". (Officers note that the impact of the horizontal arrangement has been lessened by a reduction in the number of floors whilst the detailed design includes features to highlight the verticality of the design along Hallowell Close).

The Panel felt that the layout, architecture and overall quality of the proposal needed to be significantly improved. VERDICT: **RED**

- 5.11 Historic England (archaeology) No objections subject to a condition for a two stage process of archaeological investigation, firstly an evaluation to clarify the nature and extend of any surviving remains followed if necessary by a full investigation.

6 POLICY CONTEXT

- 6.1 NPPF (2012). Key sections:
6. Delivering a wide choice of high quality homes.
7. Requiring good design.
- 6.2 Relevant policies in the London Plan 2016
3.3 (Increasing housing supply),
3.4 (Optimising housing potential),
3.5 (Quality and design of housing developments),
3.8 (Housing choice),
5.1 (Climate change mitigation),
5.3 (Sustainable design and construction),
5.7 (Renewable energy),
5.13 (Sustainable drainage),
6.9 (Cycling),
7.5 (Public realm),

- 7.6 (Architecture) &
7.21 (Trees and woodlands).
- 6.3 London Housing Supplementary Planning Guidance 2016 and Viability Guidance 2017.
- 6.4 DCLG Technical Housing Standards 2015
- 6.5 Merton Core Strategy 2011.
CS8 (Housing choice),
CS 9 (Housing targets),
CS 12 (Economic Development),
CS 13 (Open Space, Nature conservation),
CS 14 (Design),
CS 15 (Climate change),
CS 16 (Flood risk),
CS 18 (Transport) &
CS 20 (Parking, Servicing & delivery).
- 6.6 Merton Sites and Policies Plan 2014
DM D1 (Urban Design and the public realm),
DM D2 (Design considerations in all developments),
DM D4 (Heritage Assets),
DM E3 Protection of scattered employment sites,
DM EP4 Pollutants,
DM F1 (Flood risk management),
DM F2 Sustainable urban drainage systems
DM EP 2 (Reducing and mitigating noise),
DM EP4 (Pollutants),
DM H2 (Housing mix),
DM 02 (Trees, hedges and landscape features),
DM T2 (Transport impacts of development) &
DM T3 (Car parking and servicing standards).

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations in this case relate to the loss of the scattered employment site, the principle of development, the suitability of accommodation, design and tenure mix of the new flats, the impact on occupier and neighbour amenity, the impact on the character and appearance of the local area and servicing of the development.
- 7.2 Loss of the scattered employment site
Sites and Policies Plan policy DM E3 (Protection of scattered employment sites) seeks to ensure that there is a diverse mix of size, type, tenure and location of employment facilities which can support a range of employment opportunities within the borough. For the purposes of this policy 'employment' and business refers to premises or land that operates within the B1 (a), B1 (b), B1 (c), B2 and B8 Use Classes.

- 7.3 Applications proposing a loss of a scattered employment site will have to show that full and proper marketing has been undertaken to demonstrate that employment uses are no longer viable on the site. Applicants should demonstrate that:
- the site has been marketed for 30 months unless otherwise agreed with the council;
 - Site is in a predominantly residential area
 - Size, configuration and access make it unsuitable and financially unviable for whole site employment use.
 - the site has been marketed using new (on the internet) and traditional marketing tools available; and
 - the site has been marketed at a price which is considered reasonable (based on recent and similar deals or transactions).
- 7.4 The applicant has provided documentation to show that the site has been marketed by CSJ since January 21st 2015 on a rental and sale basis both on their own website and through RightMove, Zoopla and Prime Location with a £50,000 pa rental. There were 21 expressions of interest but no further action was taken by those persons. The site is within a residential area and its use as a scrap yard is not one that would now be considered suitable for such a location and the constrained access limit its suitability for regular traffic from larger commercial vehicles. In view of these considerations there would be no justification for resisting the change of use to a residential one.
- 7.5 Provision of housing.
Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [March 2016] state that the Council will work with housing providers to provide a minimum of 4,107 additional homes [411 new dwellings annually] between 2015 and 2025 whilst the Draft London Plan is seeking a considerably greater increase in housing provision. This proposal will provide 28 new flats of which 4 would be 3 bedroom family units and 9 would be two bedroom units, the remaining 15 being 1 bedroom units and is therefore considered to accord with these policies. Although Merton's housing policy looks to a one third mix of one, two and three plus units the trend in London has been towards a higher proportion of smaller units whilst this scheme could be seen in the wider setting as providing a mix of housing to an area of predominantly family sized housing.
- 7.6 Density/Bulk/Massing/Design/Appearance/Layout.
Sites and Policies Plan policies DM D1 (Urban design), DM D2: (Design considerations) as well as LBM Core Strategy Policy CS14 are all policies designed to ensure that proposals are well designed and in keeping with the character of the local area.
- 7.7 The London Plan sets an ideal maximum Sustainable Residential Quality (SQR) density for a suburban location with a PTAL of 3 at 50-95 units per hectare. The proposal equates to 147 units per hectare. While density is a material consideration, it is not the overriding factor as to whether a development is acceptable. The London Plan density matrix was only meant to be a conceptual and indicative tool of what could be developed on a site,

and not to be used prescriptively. Nevertheless the intensity of development in this instance requires further careful scrutiny against other adopted policies.

- 7.8 The potential for additional residential and non-development may be better considered in the context of its bulk, scale, design, sustainability, amenity, including both neighbour and future occupier amenity, and the desirability of protecting and enhancing the character of the area and the relationship with neighbouring sites.
- 7.9 Officers acknowledge that the proposed building is higher than those surrounding it. However, following feedback to the applicant the scale has been reduced such that the highest element, the third floor, faces Mitcham Common and is set back from the sides of the main block. Officers consider that this softens its visual impact and, along with a lighter colour palette for the materials, as a matter of judgement the bulk and massing may be considered acceptable.
- 7.10 The applicant has also responded to officer concerns regarding the layout of the site. Whilst there were some objections to having direct access to the street, the provision of direct street access for the ground floor units with small private gardens is considered to improve connectivity between the site and its location whilst improving natural surveillance and vitality along the two street elevations.
- 7.11 Standard of accommodation and the amenity of future occupiers.
SPP Policy DM D2, Core Strategy 2011 policies CS 9 Housing Provision and CS 14 Design and London Plan policies 3.3 Increasing Housing Supply, 3.4 Optimising Housing Potential, 3.5 Quality and Design of Housing Developments are all policies that seek to provide additional good quality residential accommodation.

7.12 Schedule of accommodation

Unit	Type	Proposed GIA	Minimum reqd GIA	Proposed private amenity space	Min Req'd amenity
GF 1	2B/3P	63m ²	61m ²	9.5m ²	6m ²
GF 2	2B/3P	69m ²	61m ²	9.5m ²	6m ²
GF 3	1B/2P	50m ²	50m ²	None	5m ²
GF 4	2B/3P	63m ²	61m ²	None	6m ²
GF 5	2B/4P	86m ²	70m ²	30m ²	7m ²
GF 6	3B/5P	105m ²	93m ²	37m ²	8m ²
GF 7	3B/5P	105m ²	93m ²	32m ²	8m ²
GF 8	3B/5P	105m ²	93m ²	39m ²	8m ²
GF 9	3B/5P	105m ²	93m ²	44m ²	8m ²
1 st F 1	2B/4P	79m ²	79m ²	5.5m ²	7m ²
1 st F 2	1B/2P	50m ²	50m ²	5m ²	5m ²
1 st F 3	1B/2P	50m ²	50m ²	5m ²	5m ²
1 st F 4	1B/2P	50m ²	50m ²	5m ²	5m ²

1 st F 5	2B/4P	76m ³	79m ²	5.5m ²	7m ²
1 st F 6	2B/3P	80m ³	70m ²	5m ²	6m ²
2 nd F 1	2B/4P	79m ³	79m ²	5.5m ²	7m ²
2 nd F 2	1B/2P	50m ²	50m ²	5m ²	5m ²
2 nd F 3	1B/2P	50m ²	50m ²	5m ²	5m ²
2 ND F 4	1B/2P	50m ²	50m ²	5m ²	5m ²
2 ND F 5	2B/4P	73m ²	79m ²	5.5m ²	7m ²
2 ND F 6	1B/2P	62m ²	50m ²	None	5m ²
2 ND F 7	1B/2P	51m ²	50m ²	None	5m ²
2 ND F8	1B/2P	56m ²	50m ²	None	5m ²
2 ND F9	1B/2P	55m ²	50m ²	None	5m ²
3 RD F1	1B/2P	50m ²	50m ²	5m ² +	5m ²
3 RD F2	1B/2P	50m ²	50m ²	5m ² +	5m ²
3 RD F3	1B/2P	50m ²	50m ²	5m ² +	5m ²
3 RD F4	2B/3P	67m ²	70m ²	5m ² +	6m ²

N.B

- Ground floor units 3, 4 and 5 have front garden areas but these are not private amenity spaces.

7.13 The table demonstrates that all the units meet or exceed the minimum internal space GIA requirements. Whilst not all of the flats meet the balcony space standards Mitcham Common is on the other side of the road and therefore it is considered that the proposals will provide sufficient amenity space for future residents. The plans originally included a communal amenity space for those units without balconies but officers were concerned as to its suitability and felt that using the space to provide better garden areas for the family sized units was a better utilisation of the land.

7.15 The proposal has been referred to the Metropolitan Police Designing Out Crime Officer who has made a number of comments and suggestions to improve the security of the building and wider area to assist with the policy goal of providing a safe and secure layout. To that effect an informative that the development meet Safer by Design standards is recommended.

7.15 Neighbour Amenity.

The application has been assessed against adopted planning policies London Plan policy 7.6 and SPP policy DM D2 which require that proposals do not have a negative impact on neighbour amenity in terms of loss of light, privacy visual intrusion or noise and disturbance.

7.16 The proposals were accompanied by a daylight/sunlight/overshadowing assessment that utilises methodology in accordance with the BRE's 'Site layout Planning for daylight and Sunlight 2nd edition 2011'. This showed that in relation to the neighbouring properties opposite the site in Hallowell Close (Nos 2-14) all these properties would continue to receive the required BRE Vertical Sky Component although for four windows in the Beehive development they would not reach this standard.

- 7.17 The erection of a boundary fence would itself impact light to those lower windows at the former Beehive whilst the upper windows in the Beehive development are obscure glazed on their lower sections with the rearmost bathroom windows conditioned to be fully obscured.
- 7.18 The report assessed the impact of the proposals in terms of both the Annual Probable Sunlight hours and Winter Probable Sunlight Hours on 34 neighbouring windows. Of the 34 windows only 1 window failed to meet the standards such that 33 windows would still receive more than the recommended 371.5 hours of sunlight a year. Consequently it is considered that the proposals would not result in harm to neighbour amenity that would warrant a refusal of consent.
- 7.19 In relation to impact on garden space the garden of 17 Hallowell Close was the only back garden to be affected and an overshadowing Analysis demonstrated that more than 50% of that rear garden will receive a total of 6.25 hours of sunlight on the 21st of March which exceeds the minimum 2 hour standard and therefore the report concluded that the proposed development would not have an impact on that amenity space. Overall the proposals would not be considered so detrimental to neighbour amenity from loss of light so as to warrant a refusal of consent.
- 7.20 The proposals would introduce a parking area in place of open land to the rear of the dwelling to be demolished. The absence of landscaping along this boundary is disappointing and while the introduction of planting would soften the outlook from neighbouring properties it would diminish the available amenity space for ground floor units. Members may reasonably consider that the provision of good quality amenity space for the dwellings should be given greater weight. Similarly the parking area would be a source of noise and activity experienced by neighbours and it may be appropriate to consider robust boundary treatment and the use of acoustic fencing so as to mitigate any impact.

Parking, servicing and deliveries.

- 7.21 Core Strategy Policy CS 20 requires proposals to have regard to pedestrian movement, safety, serving and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection. Notwithstanding objections regarding parking, the scheme will provide 19 on site parking bays and the parking standards contained within the London Plan (2015) provides the following maximum parking standards for Residential Developments:
- 1-2 beds: less than 1 per unit;
 - 3 beds: 1 – 1.5 per unit;
 - 4 + beds: 1.5 – 2 per unit.

The above standard for the proposed development would require a maximum of 30 parking spaces. Given known levels of car ownership per household in Merton as surveyed by TfL and derived from census data (0.67 cars per household) the parking provision of 19 spaces including 2 disabled spaces and

an electric charging point in conjunction with the formalisation of 6 bays on Hallowell Close for general use is considered acceptable in this instance..

7.22 Cycle Parking:

The London Plan cycle parking standards for residential development are one space per one bed units and two spaces per unit for all other dwellings.

The proposal provides 33 cycle parking spaces in the form of stacked cycle stands, within an external shelter accessed via the parking area / access road as well as a side door by the rear pathway. The no. of cycle spaces provided is satisfactory.

7.23 Refuse Collection:

Refuse collection at the site will take place on-street.

The bin storage areas for the apartments are located on the ground floor adjacent to the main flat entrance. A separate door provides access to the bin store, allowing the bins to be located within 10m of the public highway. Each flat / house with a front door onto Commonside East and Hallowell Close is provided with their own refuse storage area, outside the property allowing on-street collection to occur.

7.24 Sustainable design and construction.

Any new building must comply with the Mayor's and Merton's objectives on carbon emissions, renewable energy, sustainable design and construction, green roofs, flood risk management and sustainable drainage as set out in policies in the London Plan (2016) – Chapter 5 and the Council's LDF Core Planning Strategy (2011) policies CS15 and CS16). Climate change officers were satisfied the design was policy complaint in terms of achieving a 35% reduction in CO2 emissions whilst the carbon offset contribution will assist towards the Mayor's zero carbon goals .

7.25 Affordable Housing

Policy CS 8 within the Core Strategy states that for new development involving housing of 10 or more dwellings the affordable housing target is for 40% of the units to be affordable of which the desired tenure mix should be 60% social Rented and 40% intermediate. The proposal was submitted with an Economic Viability Assessment that has been independently assessed. Based on the information supplied, the assessors agreed with the applicant that delivering 40% affordable housing on a policy basis is unviable; and the revised sales values indicate no affordable housing can be provided on site save for a contribution of £40,000 (subject to any reduction in CIL) towards affordable housing to be paid on implementation of the scheme.

7.26 Officers consider that the viability should be reappraised at appropriate stages in the development process to determine the potential to make a contribution towards delivering affordable housing. It is recommended that following is included within the terms of a S106 agreement.

- Early and late stage reviews to be included within the s106 agreement based on the independent appraisal;

- Homes to be identified by plans to be delivered on site in event viability allows for affordable housing delivery;
- Restrictive obligation that ground rents are not charged on the development.

7.27 Officers would also note that interim amended plans submitted during the course of negotiation showed a large ground floor plant room subsequently deleted which was comparable to that of a flat. It may be prudent to factor into a s106 a suitable mechanism to capture for the purposes of affordable housing any increased value derived from amending the scheme (in the event that proposals are brought forward that might not necessarily entail the submission of an application for the whole development but which change a small part of the layout enabling the provision of extra units).

Flood risk

7.28 Policies DM F1 and DM F2 of Merton's Sites and Policies Plan and policy CS.16 of the Core Strategy seeks to ensure that development will not have an adverse impact on flooding and that there would be no adverse impacts on essential community infrastructure. The site is located within Flood Zone 1 and therefore at a low risk of flooding. However, site run-off is a policy consideration.

7.29 In order to ensure no increase in surface water runoff as a result of the development, the proposed discharge rate will be limited to no more than 2 l/s and sustainable drainage systems used to accommodate the 1 in 100 year plus 40% climate change storm events.

7.30 Subject to conditions issues of flooding and surface run-off are considered to be acceptable.

Archaeology

7.31 The site is within a Tier 2 Archaeological Priority Zone, which is a heritage asset. Policy DM D4 sets out that all development proposals associated with the borough's heritage assets or their setting will be expected to demonstrate, within a Heritage Statement, how the proposal conserves and where appropriate enhances the significance of the asset in terms of its individual architectural or historic interest and its setting.

7.32 Historic England responded that no objection was raised but given the historic significance of the site they requested a two stage process of archaeological investigation be provided by means of condition.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS.

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

- 8.2 In order to ensure that the development is policy compliant a condition to that effect requiring CO2 reductions of not less than a 35% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day is recommended in addition to the carbon offset payment that would be included within the s106 agreement.

9. CONCLUSION

- 9.1 The previous use of part of the land for scrap merchants, would not be a use that would now be considered acceptable in such close proximity to residential properties. The site has been marketed for employment purposes without success. It is considered that it would be unreasonable to resist the loss the scattered employment site.
- 9.2 The proposed development will provide 28 new flats of which 4 would be 3 bedroom family units for which there is an identified need in the Borough. The proposals provide each unit with at least the minimum internal floor area and members may consider the combination of balconies and the nearby common to provide adequate outdoor amenity space.
- 9.3 Notwithstanding the scale of the proposals, supporting documentation demonstrates that there should not be an unacceptable impact on neighbour amenity in terms of loss of light and sunlight. Officers consider that the proposals, as amended would not harm the outlook of neighbouring occupiers and that on balance the external and internal design to be acceptable and a suitable backdrop when glimpsed from the Common beyond.
- 9.4 While the site is in a location with high levels of on street parking the proposals will provide 19 parking spaces. Coupled with the proposed remodelling of the highway on Hallowell Close to provide extra parking spaces for general use (to be secured as part of any S106 agreement) and known average car ownership per household levels in Merton, it is considered that the proposals would not compound parking pressure locally and that it may be unreasonable to resist the proposals on parking grounds. Cycle space provision meets the required standard.
- 9.5 The issue of affordable housing has been independently assessed and currently only a small off site contribution would be viable and along with a contribution towards carbon offsetting would be dealt with by means of a section 106 agreement. Officers wish to ensure that any S106 agreement is sufficiently robust as to maximise opportunities to deliver additional affordable housing where feasible.
- 9.6 Subject to the completion of the section 106 agreement and the imposition of suitable planning conditions, the proposal is considered to be acceptable and in compliance with relevant planning policy and is therefore recommended for approval.

RECOMMENDATION

GRANT PERMISSION SUBJECT TO A SECTION 106 AGREEMENT

Heads of terms

- i) That the developer makes a contribution of £35,460 towards carbon offsetting on implementation of the development.
- ii) Affordable housing contribution of £40,000 towards off site provision and any additional contribution subject to further viability reviews in accordance with the Mayor of London's Housing SPG (2017), to include any variation to the approved scheme including the provision of additional units and that does not entail resubmission of a new application for the whole building and is made within 2 years of occupation of the development hereby approved.
- iii) Dedication of land as public highway including the applicant entering into an agreement under the Highways Act, to be consolidated into the planning agreement, for a scheme of works to deliver a new footpath and parking bays on a remodelled highway, and associated public realm improvements (general arrangements being shown on approved drawing 871-GA-00-P6).
- iv) The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And conditions

1 Commencement of works

2 In accordance with plans; Site location plan and drawings 871-GE01-P3, 871-GE02-P2, 871-GA-00-P6, 871-GA-01, 871-GA-02-P4, 871-GA-03 & 871-GA-RF

3. B1 External materials to be approved; No construction shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors, windows and tiles (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details. Reason; To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2015 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014

4 B5 Boundary treatments to be approved; No development shall take place until details of all boundary walls or fences including methods for the temporary security of the site during construction are submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to

which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter. Reason; To ensure a satisfactory and safe development, to mitigate impacts arising from noise in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 D2 and DM.EP2 of Merton's Sites and Policies Plan 2014.

5 D11 Construction Times No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays. Reason; To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

6 H9 Construction Vehicles Prior to the commencement of the development a working method statement (Construction Environmental Management Plan) (compliant with Chapter 8 of the Road Signs Manual for temporary Works) shall be submitted to and approved in writing by the Local Planning Authority to accommodate:

- (i) Parking of vehicles of site workers and visitors;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of construction plant and materials;
- (iv) Wheel cleaning facilities;
- (v) Control of dust, smell and other effluvia;
- (vi) Control of surface water run-off;
- (vii) Removal of waste materials from site.

Reason; To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

7. F1 Landscaping

8. F5 Tree protection

9. F8. Site supervision

10. Non standard Noise

Prior to the commencement of the development details of noise attenuation and noise management methods to mitigate against the likely impact of the existing noise environment on the development shall be submitted to and approved by the local planning authority. The approved methods shall be implemented in strict accordance with the approved details prior to the first occupation of the development. The standards should comply with BS8233:2014 as a minimum. Reason; To safeguard the amenities of the future occupiers of the development and ensure compliance

with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2011 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

11. Non standard Contaminated Land

If during construction works, contamination is encountered which has not previously been identified and considered, the Council's Environmental Health Section shall be notified immediately and no further development shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full. Reason; In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2011 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

12 External lighting. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason; To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

13. Provision of vehicle parking. The vehicle parking areas shown on the approved plans shall be provided before the commencement of the buildings or use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose. Reason; To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Policies Plan 2014.

14. H1 New vehicle access

15. H3 Redundant crossover

16. Prior to occupation of the development hereby approved the developer shall enter into a section 278 Highways Act agreement for the works to create the parking bays on Hallowell Close.

17. Prior to occupation of the development hereby approved the developer shall enter into a section 36 Highways Act agreement for the adoption of a section of pavement adjacent to the new parking bays on Hallowell Close

18. H6 Cycle storage

19. H 11 Parking management strategy

20. Prior to any works commencing on site a detailed Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall identify the steps that will be taken to minimise the impacts of deliveries and waste transport. It shall demonstrate compliance with Transport for London's guidance on Construction Logistics Plans July 2017 v3.0 and the Borough's Air Quality Supplementary Planning Guidance, and shall be implemented for the duration of the construction of the development. Reason; To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2011, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Policies Plan 2014.

21. All Non-Road Mobile Machinery (NRMM) used on site during the course of the demolition, site preparation and construction phases shall comply with the emissions standards set out in the Borough's Construction Code of Practice and chapter 7 of the GLA's supplementary planning guidance 'Control of Dust and Emissions During Construction and Demolition' dated July 2014 (SPG) or subsequent guidance. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/> Reason: To ensure the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with the following Development Plan policy for Merton: policy CS20 of Merton's Core Planning Strategy 2011

22. Details of drainage: Prior to the commencement of the development hereby permitted, a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS), the scheme shall:

- i. Provide information about the design storm period and intensity, attenuation and control the rate of surface water discharged from the site to no more than 2l/s;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development, including arrangements for adoption to ensure the schemes' operation throughout its lifetime.

No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme is carried out in full. Those facilities and measures shall be retained for use at all times thereafter.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance

with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

23. 'No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 35% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day.'

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2015 and Policy CS15 of Merton's Core Planning Strategy 2011

24. Non standard condition, Archaeology

No demolition or development shall take place until a stage 1 Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved in writing by the LPA. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include;

A) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B) The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI

Informatives:

1. Written schemes of investigation will need to be prepared and implemented by a suitable qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological projects in greater London. This condition is exempt from deemed discharge under schedule 6 of the Town and Country planning (Development management Procedure) (England) Order 2015.

2. Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited

energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:

- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**
- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

3. Water efficiency evidence requirements for post construction stage assessments must provide:

- Documentary evidence representing the dwellings 'As Built'; detailing:
 - the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
 - the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; **AND**:
- Water Efficiency Calculator for New Dwellings; **OR**
- Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'.

4. No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

5. NPPF informative.

6. The Council strongly recommends that condition inspections are undertaken of the surface water sewer in Commonsides East, prior to your proposed connection and this should be discussed with Thames Water. Merton have been aware of some siltation issues in the past resulting in highway ponding.

7. Maintenance of communal drainage features, such as permeable paving or an attenuation tank, will be the responsibility of the site owner in perpetuity. Maintenance of shared surface water drainage systems can be arranged through appointment of a site management company.

8. The applicant is reminded of the need for the development to be constructed and finished in accordance with the requirements of the Secured by Design standards.

[Click here](#) for full plans and documents related to this application

Please note these web pages may be slow to load